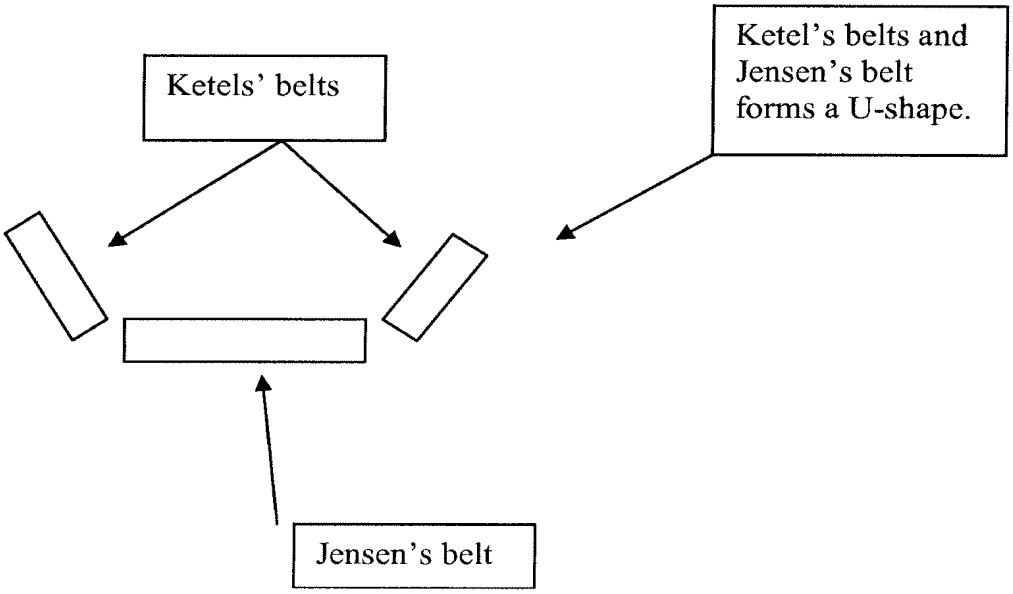
REMARKS

By the above actions, claim 18 has been cancelled and a spelling error in claim 2 corrected. In view of these actions and the following remarks, further consideration of this application is requested.

With regard to the rejection of claim 18 under 35 USC § 112, in view of the cancellation of claim 18, this rejection should now be withdrawn. The same is true for the Examiner's objection to the specification which relates to the embodiment recited in now cancelled claim 18.

All of the claims have again been rejected under 35 USC § 103 as being unpatentable over the combined teachings of the Jensen et al. and Ketels references. This rejection is inappropriate and should be reconsidered for the following reasons.

As recognized by the Examiner, Jensen does not teach the conveying means having two conveyors forming a V-shaped configuration. For this reason, the Examiner has cited the Ketels patent and its Fig. 1 in particular. Furthermore, the Examiner has asserted that it would be obvious to flank Jensen's belt with a pair of angled belts, in the manner that Ketels' conveyor belts 2.1 flank the convex supports 2.3 disposed between them as represented by the following sketch that was incorporated into the Examiner's rejection:



However, this position ignores basic facts of the nature and use of the devices of these two patents which make the Examiner's position impractical and most certainly not obvious.

First, the Ketels conveying arrangement is designed specifically for the conveying of decapitated and gutted whole fish with the supports 2.3 being pressed into the interior of the body cavity such that the fish is held between the flanking conveyors 2.1 and the supports 2.3 for conveyance. In contrast, as can be seen from Fig. 2 of the Jensen reference copied below

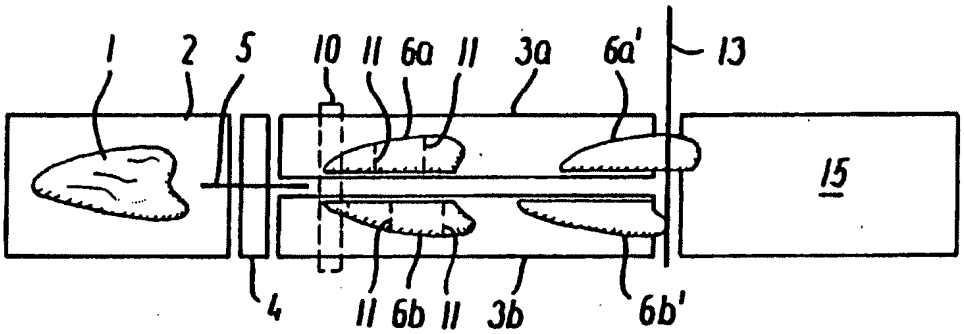


FIG.2

Jensen's conveyor is wider than the products it is designed to convey such that placing of outwardly angled flanking conveyors as shown in the Examiner's figure above would serve no useful purpose since they would be incapable of contacting the products being conveyed. Put another way, the flanking conveyors 2.1 of Ketels are specifically designed to cooperate with supports 2.3 that are pressing the work being conveyed and without such smaller-than-the-product conveying supports, the conveyors 2.1 cannot function to convey the product. Thus, it cannot be seen how it would be obvious to apply the flanking conveyors 2.1 of Ketels to Jensen's apparatus without the internal product supports that they are specifically designed to co-act with.

Still further, as was pointed in the preceding response, it would not be obvious to apply the conveying arrangement 2.1, 2.3 in place of the conveyor 2 of Jensen et al. because it would decrease the utility of Jensen et al.'s device. That is, Jensen et al.'s apparatus is designed to cut a variety of meat and fish products (what appear to be a chicken breast filets being shown in the drawings), while the conveyor of Ketels is designed specifically for whole fish from which the head and bones have been removed, the convex supports 2.3 being specifically designed to enter into the stomach cavity of the fish body as shown in Fig. 3 of the Ketels reference. Clearly, it would not be obvious to limit the utility of Jensen's apparatus with the limited utility conveying arrangement of Ketels, and it would not be

obvious to take only part of Ketels' conveying arrangement and add it to that of Jensen when it could serve no useful purpose to do so. Thus, on the one hand, Ketels's conveying arrangement is unsuitable for Jensen's meat and fish utility purposes, and on the other hand, taking only the part selected by the Examiner produces an arrangement where the flanking conveyors cannot function.

Moreover, since claim 1 defines the conveying means as transporting the product from the scanning means to the cutting means, the corresponding conveying means of Jensen is the pair of conveyors 3a, 3b which take the longitudinally cut product halves from the scanning area 10 to the cutting means 13 and not the conveyor 2 which conveys the incoming product to the cutter 5. Clearly, one would not make the pair of conveyors 3a, 3b inclined since it would cause the two halves 6a, 6b to fall together as they move through and beyond the scanning area 10, which will make accurate portion cutting impossible.

It is also pointed out that the Examiner's proposed combination of the Jensen et al. and Ketels references fails to recognize that which is apparent from all of the prior art of record when viewed as a whole. The Jensen patent represents the state of the art of portioning apparatus in 1999 in the company that is the owner of the present application (Norfo A/S). Despite the publication of Ketels in 1997, Dorhrendorf in 1978, Kawami in 1997, Koyama in 1984, Berry in 1996, and the well known use of angled conveyors for various purposes prior to development of the apparatus of the Jensen application, it was not until three years later that the present invention using angled conveyors was developed in the same company that produced the apparatus of the Jensen reference. This evidences that it was neither as simple nor as obvious as the Examiner contends to go from the apparatus of the Jensen reference to that of the present application. Moreover, in doing so, the present inventors did not merely add flanking conveyors to the sides of Jensen's horizonatal flat conveyor that is wider than any intended product but rather replaced it with a set of conveyors that would collectively cradle and convey the products to be portioned.

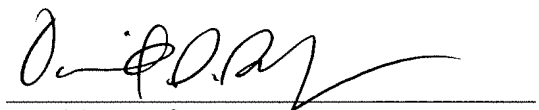
As noted in the paragraph spanning pages 2 & 3 of the present application, the present invention is designed to provide reliable portion cutting of of varied food items "such as pork, beef, or fish" with it being "ensured in simple manner that the items are kept stationary relative to the conveyors during the processing" since as noted in the last paragraph of page 1, "to ensure a uniform cutting of the products in predetermined portion types or sizes, it is improtant that the products do not move on the conveyor once the shape of the product is

registered by the vision system," i.e., the scanning means (6) of claim 1 and 7 of Jensen. However, as noted above, angling of the two conveyors 3a, 3b, would cause movement of the initially cut products as the move through and beyond the scanning area to the cutter 13. In this regard, even if somehow claim 1 were able to be construed as relating to the convey 2, claim 3 precludes such an interpretation since it recites the conveyor unit 3 which receives the products and that this conveyor unit "also" comprises two parallel mutually inclined conveyors 3a, 3b. Thus, in addition to the problem noted with regard to angling Jensen's conveyors 3a, 3b, the fact exists that Ketels does not teach an arrangement such as shown in applicants Fig. 1 where incoming product on one pair of mutually angled conveyors is passed to a second pair of mutually angled conveyors (as set forth in claim 3) and between which the scanning means is located (as set forth in claim 6), Jensen's scanner 7 being located above his second conveying unit 3a, 3b, not between it and the first conveyor 2.

Therefore, not only is the proposed combination of the Jensen et al. and Ketels references unobvious, but any resulting device would be different from that claimed, so that reconsideration and withdrawal of the § 103 rejection based upon these references is in order and is again requested.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Respectfully submitted,



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